CIVIL APPEALS MANAGEMENT PLAN

1. **Notice of Appeal, Transmission of Copy and Entry by Court of Appeals.**

Upon the filing of a notice of appeal in a civil case, the Clerk of the District Court shall forthwith transmit a copy of the notice of appeal to the Clerk of the Court of Appeals, who shall promptly enter the appeal upon the appropriate records of the Court of Appeals.

2. **Appointment of Counsel for Indigent, Advice by District Court Judge.**

If the appeal is in an action in which the appellant may be entitled to the discretionary appointment of counsel under 18 U.S.C. § 3006A(g) but has not had such counsel in the district court and there has been an indication that the appellant may be indigent, the judge who heard the case shall advise the Clerk of the Court of Appeals whether in the judge's judgment such appointment would be in the interests of justice.

3. **Docketing the Appeal; Filing Pre-Argument Statement; Ordering Transcript.**

Within ten calendar days (see FRAP 26(a)) after filing the notice of appeal, the appellant shall cause the appeal to be docketed by taking the following actions:

(a) filing with the Clerk of the Court of Appeals an original and one copy of, and serving on other parties a pre-argument statement (Form C or Form C-A, in the case of a petition for review or enforcement of an agency decision, with such changes as the Chief Judge of this Court may from time to time direct) detailing information needed for the prompt disposition of an appeal;

(b) ordering from the court reporter on a form to be provided by the Clerk of the Court of Appeals (Form D), a transcript of the proceedings pursuant to FRAP 10(b). If desirable the transcript production schedule and the portions of the proceedings to be transcribed shall be subject to determination at the pre-argument conference, if one should be held, unless the appellant directs the court reporter to begin transcribing the proceedings immediately;

(c) certifying that satisfactory arrangements have been or will be made with the court reporter for payment of the cost of the transcript;

(d) paying the docket fee fixed by the Judicial Conference of the United States

(b) At the conclusion of the conference the staff counsel shall enter a pre-argument conference order which shall control the subsequent course of the proceeding.

6. **Non-Compliance Sanctions.**

(a) If the appellant has not taken each of the actions set forth in paragraphs 3(a), (b), (c), and (d) of this Plan within the time therein specified, the appeal may be dismissed by the Clerk without further notice.

(b) With respect to docketed appeals in which a scheduling order has been entered, the Clerk shall dismiss the appeal upon default of the appellant regarding any provision of the schedule calling for action on the appellant's part, unless extended by the Court. An appellee who fails to file an appellee's brief within the time limited by a scheduling order or, if the time has been extended as provided by paragraphs 6 or 8, within the time as so extended, will be subjected to such sanctions as the Court may deem appropriate, including those provided in FRAP 31(c) or FRAP 39(a) or Rule 38 of the Local Rules of this Court supplementing FRAP or the imposition of a fine.

(c) In the event of default in any action required by a pre-argument conference order not the subject of the scheduling order, the Clerk shall issue a notice to the appellant that the appeal will be dismissed unless, within ten days thereafter, the appellant shall file an affidavit showing good cause for the default and indicating when the required action will be taken. The staff counsel shall thereupon prepare a recommendation on the basis of which the Chief Judge or any other judge of this Court designated by the Chief Judge shall take appropriate action.

7. **Motions**

Motions for leave to file oversized briefs, to postpone the date on which briefs are required to be filed, or to alter the date on which argument is to be heard, shall be accompanied by an affidavit or other statement and shall be made not later than two weeks before the brief is due or the argument is scheduled unless exceptional circumstances exist. Motions not conforming to this requirement will be denied.

Motions to alter the date of arguments placed on the calendar are not viewed with favor and will be granted only under extraordinary circumstances.

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95 cv 995
Covello

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

Each motion must be accompanied by a supporting affidavit with statement of issues (Local Rule 27(d)) and a memorandum of law with page references to the moving papers.

TIBBETTS V. DITTES

01-7377
Docket Number

MOTION

INFORMATION FORM

UNITED STATES COURT OF APPEALS
FILED
OCT 16 2003
SECOND CIRCUIT

Use short title

Nature of Motion: REINSTATEMENT OF APPEAL

MOTION BY: (Name, address and tel. no. of law firm and of attorney in charge of case)

Jeffrey Babbin
Wiggin & Dana
P.O. Box 1832
New Haven, CT 06508

OPPOSING COUNSEL: (Name, address and tel. no. of law firm and attorney in charge of case)

Has consent of opposing counsel:

A. been sought? Yes No
B. been obtained? Yes No

Has service been effected? Yes No
Is oral argument desired? Yes No
(Substantive motions only)

Requested return date: _____
(See Second Circuit Rule 27(b).)
Has argument date of appeal been set:
A. by scheduling order? Yes No
B. by Form date/argument notice? Yes No
C. If yes, enter date: _____

EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No
(See F.R.A.P. Rule 8.)

Any previous request for similar relief made to the 2nd Circuit? Yes No

Would expedited appeal eliminate need for this motion? Yes No
If no, explain why not:

Will the parties agree to maintain the status quo until the motion is heard? Yes No

Judge or agency whose order is being appealed: Alfred V. Covello, USDJ (Conn.)

Brief statement of the relief requested:

Jeffrey L. Tibbetts

By: (Signature of Attorney)
Signed name must be printed beneath

JEFFREY L. TIBBETTS, PRO SE

Appearing for: (Name of Party)

Appellant or Petitioner: Plaintiff Defendant
Appellee or Respondent: Plaintiff Defendant

Date: OCTOBER 16, 2003

ORDER

Before: Hon. Reena Raggi, *Circuit Judge*

IT IS HEREBY ORDERED that the motion be and it hereby is DENIED.

FOR THE COURT:
ROSEANN B. MACKECHNIE, Clerk
by

Laura Bass Penn

Laura Bass Penn, Motions Staff Attorney

12/8/03
Date

UNITED STATES COURT OF APPEALS
FILED
DEC 8 - 2003
SECOND CIRCUIT

SA 161

APP. G1